



**Zoning Board of Adjustment and Appeals
Minutes of the September 7, 2017 Regular Meeting**

The meeting convened in the Madison Municipal Complex, City Council Chambers, 100 Hughes Road, Madison, Alabama 35758, and called to order at 5:33 p.m. by Board Chair Betty Fletcher.

In Attendance:

Betty Fletcher, Chair	Present
Christopher Lindsey, Vice-Chair	Absent
Mary Hudson	Present
John Horch	Present
Ted Whitney	Present
Supernumeraries	
Wesley Alford	Absent
Larry Mason	Present

City Staff Present

Mary Beth Broeren, Director of Planning and Economic Development; Megan Zingarelli, City Attorney, and Sherri Williams, Assistant Planner and Board Secretary

Registered Public Attendees

Larry Bricker; Suzanne Wellborn; Chris Wellborn; Dennis Ophein

Mrs. Fletcher read aloud, this Board composed of five persons, with two supernumeraries, is empowered by the Alabama State Legislature, but appointed by the City Council and charged with hearing petitions for relief from a literal and strict application of the Zoning Code. Cases are heard in the order in which they are filed. Motions are made in the positive and each case requires a positive vote of at least four members. (A simple majority will not approve an action). The burden of proof for Variances and Special Exceptions rests with the petitioner. Any party aggrieved by any decision of this Board may within fifteen days, file a written notice of appeal to the Circuit Court.

Approval of Minutes

The first order of business was the approval of the minutes for the July 6, 2017 Regular Meeting. Mrs. Fletcher asked Board members for requested changes and/or corrections, if any. There being none, Mrs. Fletcher called for a motion.

Motion: Mary Hudson moved to approve the minutes of the July 6, 2017 Regular Meeting, as written. Ted Whitney seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
John Horch	Aye
Ted Whitney	Aye
Larry Mason	Abstain

Motion Carried.

Petitions and Formal Requests for Action

1. *Case VAR-2017-003, Chris and Suzanne Wellborn, 23 Front Street, A request for a Variance to City of Madison Zoning Ordinance Section 4-2-3 Dimensional Requirements, to reduce the side yard setback from thirty- (30) feet to twenty- (20) feet along the west property line and from fifteen- (15) feet to one- (1) foot along the east property line. The property is zoned R1B Low Density Residential District.*

Request: Applicants Chris and Suzanne Wellborn presented their request. They stated they wish to improve the property by constructing a 15-foot addition to the rear of the existing house. The Madison Station Historic Preservation Commission reviewed the plan, since the property is within the Historic District. The Historic Commission approved the plan. The addition will be in line with the house, which was built before Madison had zoning rules. The lot is deep but is not very wide. Without a variance, the house cannot be improved or enlarged.

Public Comments: The following registered attendees commented.

1. Dennis Opheim stated he lives at 21 Front Street, across Buttermilk Alley from 23 Front Street. He stated concerns about his driveway being blocked during construction.
Mr. Wellborn stated that the access to Mr. Opheim's lot would not be blocked during construction.
Staff stated that Buttermilk Alley is a public access and cannot be blocked for an extensive period.

Board Comments: Mrs. Fletcher stated that Staff had covered the request well in its Staff Report and asked if members had questions. Mary Hudson asked if the addition would only be to the rear of the house and if Buttermilk Alley were the only way to access the lot. Applicants answered yes to both questions.

Staff Comments: Planning Staff recommended approval of the Variance, with the following contingencies:

1. That the approval apply only to case number VAR-2017-003;
2. That the approval apply only to the areas of the proposed addition that encroach into the setbacks;
3. Future alterations to any existing or new structure, or to the subject property entire, requiring relief from any section of the *City of Madison Zoning Ordinance*, will require a new application for review and consideration by the Zoning Board of Adjustment and Appeals.

Mrs. Fletcher asked if Planning Staff had received phone calls or emails regarding the request. Sherri Williams stated that she had not received phone calls or emails regarding the request.

Motion: Ted Whitney moved to approve case number VAR-2017-003, Chris and Suzanne Wellborn, 23 Front Street, A request for a Variance to City of Madison Zoning Ordinance Section 4-2-3 Dimensional Requirements, to reduce the side yard setback from thirty- (30) feet to twenty- (20) feet along the west property line and from fifteen- (15) feet to one- (1) foot along the east property line, with the following contingencies:

1. That the approval apply only to case number VAR-2017-003;
2. That the approval apply only to the areas of the proposed addition that encroach into the setbacks;
3. Future alterations to any existing or new structure, or to the subject property entire, requiring relief from any section of the *City of Madison Zoning Ordinance*, will require a new application for review and consideration by the Zoning Board of Adjustment and Appeals.

John Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
John Horch	Aye
Ted Whitney	Aye
Larry Mason	Aye

Motion Carried.

Old Business

Mrs. Fletcher asked Board members and Staff if there were items of *old business* to discuss. There being none, Mrs. Fletcher closed the floor to *old business*.

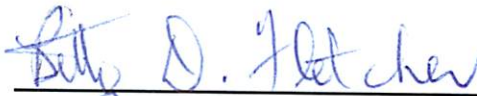
Other Business

Mrs. Fletcher asked Board members and Staff if there were items of *other business* to discuss. There being none, Mrs. Fletcher closed the floor to *other business*.

Adjournment

With no further business before the Board, Mrs. Fletcher adjourned the meeting at 5:50P.M.

Approved:



Betty Fletcher, Chair

Attest:



Sherri Williams, Recording Secretary